

U.S. Patent Application Serial No. 10/576,277
Amendment filed December 22, 2008
Reply to OA dated August 26, 2008

REMARKS

Claims 1-12 are pending in this application. Claims 4 and 10 are canceled without prejudice or disclaimer, and claims 1 and 7 are amended herein. Upon entry of this amendment, claims 1-3, 4-6 and 8-12 will be pending. The specification is also amended herein. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

The disclosure is objected to because of the informalities: the specification is missing the required sections and headings. (Office action p. 2)

The objection is overcome by the amendments to the specification. The headings in the specification have been amended to be consistent with the preferable ordering of the elements of the application (See MPEP 608.01(a)). Applicant notes that including a section heading with the text "not applicable" where there is no corresponding content is not mandatory.

Claims 1-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 10/576,193. (Office action paragraph no. 1)

The rejection is obviated by the filing of a terminal disclaimer over USSN 10/576,193. The terminal disclaimer paper is filed concurrently with this amendment.

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Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tomioka (U.S. Pat. No. 5,079,030) in view of Carpenter (U.S. Pat. No. 5,320,673). (Office action paragraph no. 2)

The rejection is overcome by the amendments to the claims.

Claim 1 is amended herein to limit the solids content of aqueous luster thermosetting base coating composition (A) used in step (1) to about 5 to about 15 wt. %, as supported by page 14, lines 26-31, of the specification. The limitations of claim 4 have been incorporated into claim 1. In addition, claim 1 is amended to limit step (1) to include the step of allowing the applied composition to stand, or preheating the applied composition at 50°C to 80°C after each coating stage in step (1), as supported by page 14, lines 22-26, of the specification.

Claim 7 is amended herein to limit the solids content of aqueous luster thermosetting base coating composition (A) used in step (1) to about 5 to about 15 wt. %, as supported by page 14, lines 26-31, of the specification. The limitations of claim 10 have been incorporated into claim 7. In addition, claim 7 is amended to limit step (1) to include the step of allowing the applied composition to stand, or preheating the applied composition at 50°C to 80°C after each coating stage in step (1), as supported by page 14, lines 22-26, of the specification.

In the rejection, the Examiner cites Tomioka for teaching a method of forming a luster coating film, and indicates that Tomioka generally discloses step (1) of claim 1 at column 4, lines 19-32, step (2) at column 4, lines 38-40, and step (3) at column 4 lines 40-45, except for the

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limitations that the base coating composition (A) and the clear coating composition (B) be thermosetting coatings.

The Examiner cites Carpenter for teaching a method of forming a luster coating using an aqueous luster base coat and a clear coat at column 16, lines 54-68, and that both of these coatings may be thermosetting compositions at column 16, lines 65-66, and that the clear coat is applied in two layers at column 16, lines 60-63. The Examiner states that it would have been obvious to modify Tomioka's method of forming a luster coating film by utilizing a thermosetting aqueous luster base coat comprising a water-soluble or dispersible resin, a crosslinking agent, and a flaky luster pigment, as well as applying a thermosetting clearcoat upon this layer once or twice.

Applicant submits, however, that the amended claims are distinguished from the Tomioka reference, and that there are "unexpected results" commensurate in scope with amended claims 1 and 7.

In claims 1 and 7 of the present invention, as amended, the solids content of aqueous luster thermosetting coating base composition (A) is about 5 to about 15 wt. %. Applicant submits that this achieves the excellent film-forming properties of the composition (A), which makes it possible to suitable apply the coating composition in each stage.

In addition, in step (1) of the amended claims, an interval is provided after each coating stage to, for example, allow the coating composition to stand, and the solids content of the coating composition one minute after the application in each stage is at least 40 wt. %. This results in the flaky luster pigment being easily orientated parallel to the coating surface, resulting in an improved

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dense texture and flip-flop property (page 14, line 32 to page 15, line 1 of the specification). This is apparent from Table 1 (page 30) of the present application. In Examples 1 through 8, in which the solids content one minute after the application in each stage is 40 wt. % or more, a luster coating film with excellent density of texture and filp-flop property is formed, whereas in Comparative Examples 2 to 4, in which the solids content of the applied coating composition one minute after the application in each stage (or the first stage) is less than 40 wt. %, a luster coating film with insufficient density of texture and flip-flop property is formed.

That these results are commensurate with the present claims is additionally supported by the attached Declaration under 37 CFR 1.132. The data in the Declaration demonstrate that the solids content one minute after the application in each stage (or the first stage) is less than 40 wt. % in Comparative Examples 2 to 4. That is, the above-discussed results are commensurate in scope with the present claims.

Applicant submits that Tomioka nowhere discloses or suggests the idea of setting the solids content of the composition after the application in each stage to within a specific.

Moreover, in Tomioka, although a time interval is provided at least between the application step using a rotary atomizer and the application step using an air pressure spray gun, there is apparently no time interval provided in repeating steps using an air pressure spray gun (claims 1, 3, 4 and 5). Specifically, in Tomioka, an interval is provided only after the first step; however, the process moves from the second step to the third step with no interval.

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Therefore, the method of Tomioka is completely different from the present method, which requires the step of allowing the applied composition to stand, or preheating the composition at 50°C to 80°C after each coating stage.

As such, Tomioka and Carpenter nowhere suggest the technical concept of providing an interval an interval in each stage to adjust the solids content of the applied composition.

Moreover, the advantageous effect of the present invention, that the flaky luster pigment is easily orientated parallel to the coating surface by limiting the solids content of the coating composition one minute after the application in each stage to at least 40 wt. %, which results in excellent density of texture and flip-flop property, is clearly unexpected over the Tomioka and Carpenter references.

Claims 1-3, 4-6 and 8-12, as amended, are therefore not obvious over Tomioka and Carpenter, taken separately or in combination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Petition for Extension of Time
Terminal Disclaimer
Declaration under 1.132 by Tsukasa FUJIEDA

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